

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS FOR IDENTIFYING, TREATING OR MONITORING ASYMPTOMATIC PATIENTS FOR RISK REDUCTION OR THERAPEUTIC TREATMENT OF BREAST CANCER** the specification of which      is attached hereto or **XX** was filed on **MAY 17, 1999** as Application No. **09/313,463** and was amended on      (if applicable).

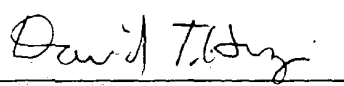
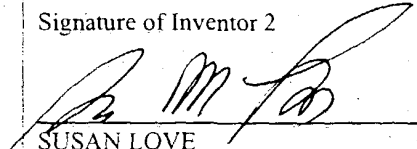
I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/117,281	JANUARY 26, 1999

Full Name of Inventor 1:	Last Name: <b>HUNG</b>	First Name: <b>DAVID</b>	Middle Name or Initial: <b>T.</b>
Residence & Citizenship:	City: <b>Belmont</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>2634 Belmont Canyon Road</b>	City: <b>Belmont</b>	State/Country: <b>California</b>
			Postal Code: <b>94002</b>
Full Name of Inventor 2:	Last Name: <b>LOVE</b>	First Name: <b>SUSAN</b>	Middle Name or Initial:
Residence & Citizenship:	City: <b>Pacific Palisades</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>16593 Via Floresta</b>	City: <b>Pacific Palisades</b>	State/Country: <b>California</b>
			Postal Code: <b>90272</b>

further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 
DAVID T. HUNG	SUSAN LOVE
Date <u>7/12/99</u>	Date <u>7/13/99</u>

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
David T. Hung et al.	)	Examiner: B. Brumback
Serial No. 09/313,463	)	Group Art Unit: 1642
Filed: May 17, 1999	)	Attorney Docket No.:05284.00038
For: Methods For Identifying, Treating	)	
Or Monitoring Asymptomatic Patients	)	
For Risk Reduction or Therapeutic	)	
Treatment of Breast Cancer	)	

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**REVOCATION AND POWER OF ATTORNEY**

The undersigned, an official empowered to act on behalf of Pro Duct Health, Inc., the owner of the entire right, title and interest in and to the above-identified patent application by virtue of an Assignment, recorded in the U.S. Patent and Trademark Office on August 16, 1999, at Reel 010181, Frame 0043, and the Certificate of Amendment changing the assignee's name from Windy Hill Technology, Inc. to Pro Duct Health, Inc. (copy attached hereto), hereby revokes all previous powers of attorney and hereby appoints the following attorneys/agents of the firm Banner & Witcoff, Ltd., (Customer No. 22907) having an address of 1001 G Street, N.W., Suite 1100, Washington, D.C. 20001, a telephone number of (202) 508-9100, and a facsimile number of (202) 508-9299, as attorneys to

prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent:

ALTHERR, Robert F.	31,810	HANLON, Brian E.	40,449	MORENO, Christopher P.	38,566
BANNER, Donald W.	17,037	HEMMENDINGER, Lisa M.	42,653	MOTTLEY, Darrell G.	42,912
BANNER, Mark T.	29,888	HONG, Patricia E.	34,373	NELSON, Jon O.	24,566
BANNER, Pamela I.	33,644	HOSCHEIT, Dale H.	19,090	NIEGOWSKI, James A.	28,331
BECKER, Matthew P.	45,824	HYMEL, Lin J.	45,414	PATEL, Binal J.	42,065
BECKETT, William W.	18,262	IWANICKI, John P.	34,628	PATHAK, Ajay S.	38,266
BERGHAMMER, Joseph J.	46,057	JACKSON, Thomas H.	29,808	PETERSON, Thomas L.	30,969
BODNER, Jordan	42,338	KAGAN, Sarah A.	32,141	POTENZA, Joseph M.	28,175
BUROW, Scott A.	42,373	KATZ, Robert S.	36,402	PRATT, Thomas K.	37,210
CALLAHAN, James V.	20,095	KLEIN, William J.	43,719	RENK, Christopher J.	33,761
CHANG, Steve S.	42,402	LINEK, Ernest V.	29,822	RESIS, Robert H.	32,168
COHAN, Gregory J.	40,959	MALONE, Dale A.	32,155	RIVARD, Paul M.	43,446
COOPERMAN, Marc S.	34,143	MAPLE, Marie-Claire B.	37,588	ROBINSON, Douglas W.	32,751
CURTIN, Joseph P.	34,571	MAY, Steven A.	44,912	SCHAD, Steven P.	32,550
DAVID, Michael	44,642	McDERMOTT, Peter D.	29,411	SHIFLEY, Charles W.	28,042
DeMOOR, Laura J.	39,654	McKEE, Christopher L.	32,384	SHULL, Jason	47,085
EVANS, Thomas L.	35,805	McKIE, Edward F.	17,335	SKERPON, Joseph M.	29,864
FEDORCHKO, Gary D.	35,509	MEDLOCK, Nina L.	29,673	VAN ES, J. Pieter	37,746
FERGUSON, Catherine A.	40,877	MEECE, Timothy C.	38,553	WITCOFF, Sheldon W.	17,399
FICKLER, Debra A.	46,699	MEEKER, Frederic M.	35,282	WOLFFE, Franklin D.	19,724
FISHER, William J.	32,133	MILLER, Charles L.	43,805	WOLFFE, Susan A.	33,568
GLEMBOCKI, Christopher R.	38,800	MITRIUS, Janice V.	43,808	WRIGHT, Bradley C.	38,061

Please direct all future correspondence regarding the subject application to:

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Eleventh Floor  
Washington, D.C. 20001-4597

PRO DUCT HEALTH, INC.

8/24/01

Date

By:

Phillip M. Olsen

Name: PHILLIP M. OLSEN

Title: VP ENGINEERING & OPERATIONS

LEATHAM & WATKINS SV

(FED) 12.29.99 12:17/ST. 12:16/NO. 4831363049 2

*State of Delaware*  
**Office of the Secretary of State**

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "WINDY HILL TECHNOLOGY, INC.", CHANGING ITS NAME FROM "WINDY HILL TECHNOLOGY, INC." TO "PRODUCT HEALTH, INC.", FILED IN THIS OFFICE ON THE SIXTEENTH DAY OF NOVEMBER, A.D. 1999, AT 2 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Edward J. Freel*  
Edward J. Freel, Secretary of State

2755039 8100

991488249

AUTHENTICATION: 0087315

DATE: 11-17-99

FROM LATHAM & WATKINS SV

(WED) 12. 29 '99 12:17/ST. 12:16/NO. 4861363949 P. 3

NOV-17-99 WED 11:27

**CERTIFICATE OF AMENDMENT  
OF  
SECOND AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION  
OF  
WINDY HILL TECHNOLOGY, INC.**

Windy Hill Technology, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (this "Corporation"), DOES HEREBY CERTIFY THAT:

1. The Board of Directors of this Corporation, acting pursuant to the authority of Section 141(f) of the General Corporation Law of the State of Delaware, adopted a resolution setting forth a proposed amendment to the Second Amended and Restated Certificate of Incorporation of this Corporation to change the name of the Corporation.

2. The Second Amended and Restated Certificate of Incorporation of the Corporation is hereby amended by changing Article I so that, as amended, Article I shall read in its entirety as follows:

"1. The name of this Corporation is Pro. Duct Health, Inc. (the "Corporation")."

3. In lieu of a meeting and vote of stockholders, a majority of the stockholders of this Corporation entitled to vote have given written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

4. The above amendment was duly adopted in accordance with the applicable provisions of Sections 228 and 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the undersigned has caused this Certificate of Amendment to be duly executed as of the 9th day of November, 1999.

WINDY HILL TECHNOLOGY, INC.  
a Delaware corporation

By: C. Patrick Machado  
Name: C. PATRICK MACHADO  
Title: CFO & VP BUSINESS DEVELOPMENT

SV\_D0C5M13692 (1/27)

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 02:00 PM 11/16/1999  
891488249 - 2755039

☒ PATENT ☐ DESIGN B&W Ref. 05284.00038 Date 9-21-01

☐ HAND CARRY Group/Section \_\_\_\_\_ Bldg \_\_\_\_\_ Rm \_\_\_\_\_

Serial/Patent No. 09/313,763 Atty/Sec B&H/vlh

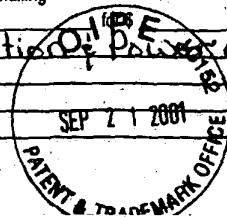
Inventor Hung et al Client Pro Duct

Title Methods For Identifying Treating or Monitoring Asymptomatic Patients For Risk Reduction or etc

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |  |   |
|--|---|
| <input type="checkbox"/> _____ total pp Spec., including : # of Claims _____   | <input type="checkbox"/> Sequence Listing : <input type="checkbox"/> Diskette <input type="checkbox"/> Paper    |
| <input type="checkbox"/> # of independent claims _____; <input type="checkbox"/> Abstract                                      | <input type="checkbox"/> Amendment <input type="checkbox"/> Response : OA dtd _____                             |
| <input type="checkbox"/> Drawings : <input type="checkbox"/> Formal <input type="checkbox"/> Informal                          | <input type="checkbox"/> Petition for Extension of Time until _____   |
| <input type="checkbox"/> # of distinct sheets _____; Figs. _____   | <input type="checkbox"/> CPA <input type="checkbox"/> RCE <input type="checkbox"/> w/Ext of Time : OA dtd _____ |
| <input type="checkbox"/> Declaration/Power of Attorney : <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted | <input type="checkbox"/> Request for Approval of Drawing Changes  |
| <input type="checkbox"/> Assignment w/PTO Cover Sheet  | <input type="checkbox"/> Notice of Appeal & Fee   |
| <input type="checkbox"/> IDS w/PTO 1449 <input type="checkbox"/> References <input type="checkbox"/> w/Fee                     | <input type="checkbox"/> Brief : <input type="checkbox"/> Appeal & Fee <input type="checkbox"/> Reply <u>9</u>  |
| <input type="checkbox"/> Preliminary Amendment   | <input type="checkbox"/> Request for Oral Hearing   |
| <input type="checkbox"/> Priority Claim (Foreign or U.S. Provisional. B&W # _____)   | <input type="checkbox"/> Issue Fee <input type="checkbox"/> Advance Patent Copies (# ordered _____)             |

- |   |   |
|---|---|
| Country _____ Appl. # _____ Date _____  | <input type="checkbox"/> Notice of Allowance dtd _____  |
| <input type="checkbox"/> w/Foreign Priority Document(s)   | <input type="checkbox"/> Amendment under 37 CFR 1.312   |
| <input type="checkbox"/> Application : <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional | <input type="checkbox"/> Request for Certificate of Correction  |
| Parent Ser. No. _____ B&W# _____  | <input type="checkbox"/> Transmittal <input type="checkbox"/> Fee Transmittal w/Auth. to Charge Deposit Acct. |
| <input type="checkbox"/> U.S. Provisional _____ pp Spec/Claims; Cover Sheet   | <input type="checkbox"/> Certificate of Mailing   |
| <input type="checkbox"/> Response to Missing Parts/Requirements dtd _____   | <input type="checkbox"/> Check # _____  |
| <input type="checkbox"/> Response to Notice to File Corrected Appln. Papers dtd _____   | <input checked="" type="checkbox"/> Revocation of Power of Atty.  |
| <input type="checkbox"/> Request for Expedited Foreign Filing License   | <input type="checkbox"/> _____  |
| <input type="checkbox"/> Request for Corrected : <input type="checkbox"/> Filing Receipt <input type="checkbox"/> Assignment                  | <input type="checkbox"/> _____  |
| <input type="checkbox"/> Response to Restriction/Election Requirement   | <input type="checkbox"/> _____  |



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	Examiner: B. Brumback
David T. Hung et al.	)	
	)	Group Art Unit: 1642
Serial No. 09/313,463	)	
	)	
Filed: May 17, 1999	)	Attorney Docket No.:05284.00038
	)	
For: Methods For Identifying, Treating	)	
Or Monitoring Asymptomatic Patients	)	
For Risk Reduction or Therapeutic	)	
Treatment of Breast Cancer	)	

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**REVOCATION AND POWER OF ATTORNEY**

The undersigned, an official empowered to act on behalf of Pro Duct Health, Inc., the owner of the entire right, title and interest in and to the above-identified patent application by virtue of an Assignment, recorded in the U.S. Patent and Trademark Office on August 16, 1999, at Reel 010181, Frame 0043, and the Certificate of Amendment changing the assignee's name from Windy Hill Technology, Inc. to Pro Duct Health, Inc. (copy attached hereto), hereby revokes all previous powers of attorney and hereby appoints the following attorneys/agents of the firm Banner & Witcoff, Ltd., (Customer No. 22907) having an address of 1001 G Street, N.W., Suite 1100, Washington, D.C. 20001, a telephone number of (202) 508-9100, and a facsimile number of (202) 508-9299, as attorneys to

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CALLAHAN, James V.	20,095	KLEIN, William J.	43,719	RENK, Christopher J.	33,761
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GLEMBOCKI, Christopher R.	38,800	MITRIUS, Janice V.	43,808	WRIGHT, Bradley C.	38,061

Please direct all future correspondence regarding the subject application to:

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Eleventh Floor  
Washington, D.C. 20001-4597

PRO DUCT HEALTH, INC.

8/24/01

Date

By:

Phillip M. Olsen

Name: PHILLIP M. OLSEN

Title: VP ENGINEERING & OPERATIONS



LATHAM &amp; WATKINS SV

(FED) 12.29'99 12:17/ST. 12:16/NO. 4861363049 2

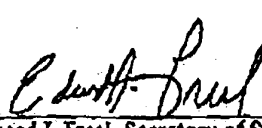
*State of Delaware*  
**Office of the Secretary of State**

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "WINDY HILL TECHNOLOGY, INC.", CHANGING ITS NAME FROM "WINDY HILL TECHNOLOGY, INC." TO "PRODUCT HEALTH, INC.", FILED IN THIS OFFICE ON THE SIXTEENTH DAY OF NOVEMBER, A.D. 1999, AT 2 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

  
Edward J. Freel, Secretary of State

AUTHENTICATION: 0087315

DATE: 11-17-99

2755039 8100

991488249

FROM LATHAM &amp; WATKINS SV

(FED) 12.29'99 12:17/ST. 12:16/NO. 4861363949 F 3

NOV-17-99 WED 11:27

CERTIFICATE OF AMENDMENT  
OF  
SECOND AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION  
OF  
WINDY HILL TECHNOLOGY, INC.

Windy Hill Technology, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (this "Corporation"), DOES HEREBY CERTIFY THAT:

1. The Board of Directors of this Corporation, acting pursuant to the authority of Section 141(f) of the General Corporation Law of the State of Delaware, adopted a resolution setting forth a proposed amendment to the Second Amended and Restated Certificate of Incorporation of this Corporation to change the name of the Corporation.

2. The Second Amended and Restated Certificate of Incorporation of the Corporation is hereby amended by changing Article I so that, as amended, Article I shall read in its entirety as follows:

"1. The name of this Corporation is Pro. Duct Health, Inc. (the "Corporation")."

3. In lieu of a meeting and vote of stockholders, a majority of the stockholders of this Corporation entitled to vote have given written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

4. The above amendment was duly adopted in accordance with the applicable provisions of Sections 228 and 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the undersigned has caused this Certificate of Amendment to be duly executed as of the 9th day of November, 1999.

WINDY HILL TECHNOLOGY, INC.  
a Delaware corporation

By: C. Patrick Machado  
Name: C. PATRICK MACHADO  
Title: CEO & VP BUSINESS DEVELOPMENT

SV\_DOCUMENT (1997)

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 02:00 PM 11/16/1999  
891488249 - 2755039

POWER OF ATTORNEY BY ASSIGNEE

**WINDY HILL TECHNOLOGIES, INC.**, 1010 Hamilton Court, Menlo Park, CA 94025, is the Assignee of the invention entitled:

**METHODS FOR IDENTIFYING, TREATING OR MONITORING  
ASYMPTOMATIC PATIENTS FOR RISK REDUCTION OR  
THERAPEUTIC TREATMENT OF BREAST CANCER**

The specification of which    is attached hereto or XX was filed on MAY 17, 1999 as Application No. 09/313,462

The Assignment accompanying this Power of Attorney has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<u>Name</u>	<u>Reg. No.</u>	<u>Name</u>	<u>Reg. No.</u>
Aka, Gary T.	29,038	Heckadon, David R.	Granted Limited Recognition under 37 CFR §10.9(b)
Apple, Randolph T.	36,429	<b>Heslin, James M.</b>	<b>29,541</b>
Barrish, Mark D.	36,443	Liebeschuetz, Joe	37,505
Colwell, Robert C.	27,431	Powers, Margaret A.	39,804
Dow, Karen B.	29,684	Slone, David N.	28,572
Gibby, Darin J.	38,464	Smith, William M.	30,223
Hann, James F.	29,719	Storella, John R.	32,994
Haughey, Paul C.	31,836		

Send Correspondence to:  
James M. Heslin, Esq.  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834

Direct Telephone Calls to:  
James M. Heslin, Esq.  
Reg. No. 29,541  
650/326-2400

WINDY HILL TECHNOLOGIES, INC.

Date: 7-17-99

By: *James M. Heslin*

Title: CFO + VP Bus. Dev.